

House Bill 33
Presented by Ken McDonald
January 15, 2012
House Fish, Wildlife and Parks Committee

Mr. Chairman and committee members, I am Ken McDonald of the Montana Department of Fish, Wildlife and Parks (FWP). I am here in opposition to House Bill 33.

Like the sponsor, Montana Fish, Wildlife and Parks (FWP) cares about the issues addressed in this bill - human safety and damage to private property. FWP opposes HB33 because it applies a one-size-fits-all approach to very complex and generally unique circumstances. Determining the best response to different situations involving large carnivores is best left to the expertise of those professionals responding. FWP has numerous staff dedicated to responding to these types of incidents, and USDA Wildlife Services similarly has professional staff that respond to livestock depredation incidents under an MOU with FWP.

To give a general idea of the scope of incidents we are talking about, in 2012 FWP and Wildlife Services responded to approximately 113 wolf incidents, almost exclusively livestock depredation; 195 lion incidents, 661 black bear incidents, and 138 grizzly bear incidents. Of these more than 1,100 incidents, only 3 involved injury to a person. Two were surprise encounters - one between a mountain biker and a female grizzly with cubs and the other a surprise encounter between a hunter and a female grizzly with cubs. The third was considered to be an actual attack. That black bear was quickly located and killed by our regional Wildlife Human Attack Response Team (WHART Team) out of Kalispell. We have WHART teams in place in each of our western regions to respond to these types of incidents. It is policy that any large carnivore that is perceived to be a threat to human health and safety is removed - not relocated. Again, the determination of whether it is a threat is determined by professional staff with years of experience. However, by policy, if a bear breaks into a dwelling, it is killed. If a bear is a repeat offender, it is killed. It is also FWP policy that we do not relocate lions or wolves. Depending on how terms in this bill are interpreted, local law enforcement and county commissions would have had to have been contacted up to 1,107 times during 2012. It is unclear if they want to be contacted that often for what is generally routine work for FWP and Wildlife Services. As it stands now, it is usually local law enforcement contacting us.

Threat to Human Health and Safety

In preparing information for this hearing, one of the first questions asked by our own staff was how is "threat to human health and safety" defined? This is a subjective term that makes this bill problematic. The course of action is dependent on the circumstances of the incident, the animal's history, and other factors. Often times, simply cleaning up the attractant is the only course of action needed. If these types of incidents were considered to be threats to human safety, which they might be under this bill, then potentially over 600 black bears would have been put down in 2012.

It is important to understand that even if the decision is to trap and translocate or trap and kill, it isn't always possible to catch the offender.

With regard to grizzly bears, they are currently protected under the federal Endangered Species Act. As such, this bill would be in conflict with the ESA. We are at a point where grizzly bears are close to being delisted in both the Yellowstone and Northern Continental Divide Ecosystems. Montana's professional approach to addressing grizzly bear conflicts, including killing bears when necessary, has been instrumental in recovering these bears and getting us to the point of being able to delist. This bill would jeopardize delisting due to 1) inadequate regulatory mechanisms (because killing bears would be mandatory independent of circumstances), and 2) it could easily result in exceeding annual mortality limits that would be required to delist.

Livestock Depredation

Livestock depredation incidents involving bears, mountain lions, and wolves are investigated by and addressed by USDA Wildlife Services working under an MOU with FWP. Wildlife Services is authorized to implement the course of action deemed appropriate by their professional staff, including removing the offending animal (s). There are three exceptions to this: chickens, bees, and grizzly bears.

As stated before, grizzly bears are addressed on a case by case basis in coordination with the U.S. Fish and Wildlife Service. While livestock-killing grizzly bears are removed, it isn't automatic, and can't be as long as they are listed. Nor should it be if/when they are delisted, especially if the livestock is unprotected chickens.

FWP successfully responds to hundreds of incidents each year involving large carnivores. FWP and Wildlife Services have professional staff that assess each incident based on the circumstances of the incident. FWP has policies in place that direct general responses to different circumstances. FWP coordinates closely with local law enforcement when and where appropriate. FWP works with homeowners and livestock producers proactively to minimize conflicts. We never relocate lions and wolves and we don't move bears that are truly considered a threat to people. FWP marks any bear that we relocate. FWP relocates a considerable number of grizzly bears, which has helped us get to a point where we can delist. This bill jeopardizes that. FWP also kill those bears that violate policy criteria. We post on the web the locations of any bears that are relocated. And, it is done day in and day out in a professional, expert manner. HB 33 will actually make our response less effective, and is not necessary.

FWP recommends a do not pass on HB 33.